

## REVIEWS

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STAR WORMWOOD. By Curtis Bok. New York: Alfred A. Knopf, 1959. Pp. 228. \$3.95.

CURTIS BOK, a justice of the Supreme Court of Pennsylvania, has here written an horrendous paradigm, dedicated to the proposition that our criminal and penal system is founded on vengeance, which is a bad thing, and that someday we shall learn to regard this system "with the same horrified wonder as we now look back upon the Spanish Inquisition."<sup>1</sup> His simple tale may be shortly summarized. Roger, an adolescent of seventeen, brought up in the depths of the depression, never far from hunger and often close to starvation, obtains temporary employment tending the furnace in a high school. On an evening when he has not eaten for three days, he catches a rabbit in the nearby woods and, in violation of the school rules, prepares to grill it in the furnace. Thus engaged, he is surprised by one Angela, a horrid child of thirteen, the sister of an acquaintance. Angela's disposition, never very sweet, has been soured by the fear that she may be pregnant by her brother, who has just broken off an incestuous relationship of some weeks by raping her. Startled, Roger drops the rabbit on the coals, where it is quickly incinerated. Worse, Angela threatens to report his violation of the rules and have him fired. Enraged at losing his dinner and alarmed at the prospect of delation to the authorities, he seizes Angela and shakes her. She screams and struggles. To silence her, he grasps her by the throat. At this point the usual red mist of temporary insanity descends; when Roger comes to himself Angela is dead of anoxemia, fracture or dislocation of the cervical vertebrae, and asphyxia. Aware that he is in an awkward position, but unaware that a human cadaver is one of the least combustible things in the world, Roger determines to thrust her in the furnace. The top part of Angela goes in fairly easily, but the hind-quarters stick. As he heaves and pushes, an arm flops out of the furnace; grasping it, he burns his fingers and thrusts them in his mouth. Thereupon events proceed as in the *Dissertation on Roast Pig*. The meat is described (on what evidence is not clear) as tender, although rare, the crackling being particularly savory. In short, Roger consumes a generous portion of Angela. Thereupon he is sick. He flees the mess in panic, wanders in a trance, is caught and freely confesses.

So far a homely annal, and one which, bar the outré detail of anthropophagy, might almost be described as commonplace. Whether it actually happened or not I can't make out, but that is not very important, except to the extent that the author may intend the reader to infer that the execution of boys of eighteen

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1. P. 50.

is a common thing.<sup>2</sup> But now Roger is fed into the machinery of that penal law of which Justice Bok takes so dim a view; he is indicted for murder, rape, and mutilating a dead body. The iniquities of the system are shortly manifested. The District Attorney has a paunch and a sloping forehead;<sup>3</sup> he leers<sup>4</sup> and makes coarse puns;<sup>5</sup> crowning outrage, he has a moustache with sharp waxed ends.<sup>6</sup> As for the trial judge, the less said about him the better. Having "a head full of sawdust and the soul of a man-eating shark," he intends to murder Roger;<sup>7</sup> he is "weak and unpredictable,"<sup>8</sup> unlike the majority of man-eating sharks; he actually wants to be appointed to the State Supreme Court.<sup>9</sup> The jury's attitude to Roger is concisely stated; they want to "burn him for sure."<sup>10</sup> The Bad Guys win; Roger is convicted and sentenced to death. A three-judge court turns down his motion for a new trial. Besides the trial judge, it consists of one who is weak, and one who, in addition to being toothy and brisk, is the kind of Judge Jeffreys who votes to uphold a verdict if no errors appear in the record.<sup>11</sup> The Supreme Court, having "brushed aside" defense counsel's arguments, affirms in "remote and bloodless" language.<sup>12</sup> So Roger is electrocuted, most unpleasantly; the execution involves seven minutes of "smoking and sizzling and broiling."<sup>13</sup>

What moral are we to draw, what lesson do we learn, from all this Grand Guignol, aside from the obvious one that no system of justice, however enlightened, ought to be administered by such hyenas as the author has depicted? Justice Bok, whose fondness for rich, sonorous, uplifting rhetoric of a gener-

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2. At one point the author refers to his protagonist as "the person here called Roger Haike," p. 51, which seems to imply that the story is based on fact. I have the authority of the Supreme Court of Pennsylvania for the statement that in that Commonwealth only one person under the age of nineteen has ever suffered the death penalty. See *Commonwealth v. Green*, 151 A.2d 241, 246 (Pa. 1959). That person, one Alexander M. Williams, was eighteen at the time of his execution in 1931 and seventeen at the time of the murder for which he was executed, *id.* at 246 n.6; from the standpoint of chronology, he might be Roger Haike. I have been unable to find any report of Williams' case and so don't know whether his personality, his crime, or his trial resembled Roger Haike's. It is possible, of course, that Justice Bok went outside Pennsylvania for his facts. At any rate, it is obvious that Justice Bok's vivid imagination has supplied a great deal—notably as to the states of mind of the actors—which could not be documented from any legal record. If Justice Bok did start from an actual case, what he has done with it is distantly reminiscent of Theodore Dreiser's treatment, in *An American Tragedy*, of *People v. Gillette*, 191 N.Y. 107, 83 N.E. 680 (1908). I intend no other comparison of the two works.

3. P. 98.

4. P. 73.

5. P. 109.

6. Pp. 98, 109. The reputation of the bar for charm is partially restored by defense counsel, who is not only boyish, but has rumpled hair. Pp. 97, 124.

7. P. 43.

8. P. 77.

9. Pp. 119, 127.

10. P. 123.

11. P. 126.

12. P. 173.

13. Pp. 183-84.

ally humanitarian cast occasionally gets the better of his fundamental common sense, draws quite a number, some probably sound, some debatable, some, I fear, palpable pish-posh. Most of them are contained in the chapters of commentary which follow each section of the book (Crime, Trial, and Execution) and which are based on a series of lectures delivered by him at the University of Virginia Law School in 1957. Briefly summarized, his major conclusions seem to be:

1. The concept of punishment is evil.<sup>14</sup>
2. Capital punishment is particularly evil.<sup>15</sup>
3. There are no criminals, "but only sick men, socially or medically or both."<sup>16</sup>
4. The role of the courts, and of trial, in criminal cases should be limited to the assessment of facts, not including the mental condition of the accused. Indeed, the adversary trial should be abolished and replaced by "impartial inquiry"<sup>17</sup>—by whom is not stated.
5. After conviction, the psychiatrists, psychologists and sociologists are to roll up their sleeves and have at the invalid.<sup>18</sup> Their decision as to the appropriate therapy should have no necessary relation to the symptom of which he has been convicted; a misdemeanor may require permanent incarceration, a murderer a friendly chat with his psychiatrist.<sup>19</sup> In some cases, the malady may be so severe as to require that radical remedies, such as gassing or electrocution, be exhibited.<sup>20</sup>
6. The protection of society from further crime is the only intelligent approach. Vengeance will get us nowhere.<sup>21</sup>

Let us consider first the last proposition, which is fundamental to the others. For this utilitarian view of the law there is, of course, much respectable authority, none more eminent than Francis Bacon, who put it more broadly: "The end and purpose which the law ought to keep before its eyes, and at which it ought to aim its commands and penalties, is none other than that the citizens may live happily."<sup>22</sup> If this be accepted, as it should and probably

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14. P. 199.

15. Pp. 102, 111, 187, 196.

16. P. 226.

17. Pp. 145-46, 150.

18. P. 146.

19. Pp. 148-49, 219.

20. Pp. 194, 205-07.

21. Pp. 148, 190, 207.

22. BACON, *DE AUGMENTIS SCIENTIARUM*, Lib. viii, Cap. 3, Aph. 5. The translation is my own; my excuse is that the passage seems to be one of the additions which Bacon made in the process of putting his English writings into Latin and which he never got around to wording in his own English. It is part of the "Exemplum Tractatus de Iustitia Universali, sive de Fontibus Iuris, in uno Titulo, per Aphorismos," which is appended to the third chapter of the eighth book. In the original it reads, "Finis enim et scopus, quem leges intueri atque ad quem iussiones et sanctiones suas dirigere debent, non alius est, quam ut cives feliciter degant."

would be by most modern lawyers, political scientists and even politicians, there is no a priori reason (leaving aside, for the moment, the purely theological) to reject the idea of punishment as punishment; the question is simply whether fines or imprisonment or execution (or, for that matter, corporal punishment) may in some cases have something to contribute to the happiness of the citizenry, whether as a deterrent, or by ridding the community of a pest, or even by gratifying the public's desire for vengeance.<sup>23</sup>

Justice Bok's parable aids the objective consideration of this question not at all, for it presents a situation ideally unsuited to the use of punishment for any of the foregoing purposes. If a similar adolescent should find himself in similar circumstances it is unlikely that he would reflect upon or be deterred by Roger's fate; Roger himself is not likely again to be dangerous to the community; and the part of the public whose desire for vengeance is gratified by the electrocution of a lonely, scared seventeen-year-old is probably not large and certainly not entitled to consideration. But what we learn about penology from Roger's case may not prove to be valid when we come to ponder what ought to be done with Al Capone or Albert B. Fall or Ernst Kaltenbrunner. *Star Wormwood's* approach to crime and criminals may be nearly as sentimental and faulty as a general approach to the problem as the let-'em-fry attitude of a tabloid newspaper whooping up a crime wave.<sup>24</sup>

The fact is, of course, that the infliction of the death penalty, or even imprisonment, is almost always disagreeable to an intelligent, sane and civilized man, such as Justice Bok. "Almost always," because for most of us, perhaps even

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23. At one point (p. 150) Justice Bok says, rather inconsistently, "I am careful not to say let us abolish punishment, for the word has the root sense of penitence, but let us abolish a criminal system of laws and sanctions based on vengeance." I am not sure what the first clauses of this sentence mean. Etymologically, it would be nearer the truth to say that penitence has the root sense of punishment, for "poenitentia" is plainly a derivative of "poena." Certainly no Roman ever thought that "punire" meant to repent; in some contexts, in fact, it meant not merely to punish, but to revenge. Possibly the idea in Justice Bok's mind is that punishment may contribute to the cure of the criminal's psyche by meeting his need for atonement.

24. In all fairness, it ought to be noted that Justice Bok's actual dealings with criminals since his elevation to the Supreme Court have been considerably less starry-eyed than some of his homilies in *Star Wormwood* might cause the reader to suppose. In three cases he has voted with the majority to affirm convictions of murder and in two to affirm the dismissal of a convicted murderer's petition for a writ of habeas corpus. *Commonwealth v. Wilson*, 394 Pa. 588, 148 A.2d 234 (1959); *Commonwealth v. Novak*, 395 Pa. 199, 150 A.2d 102 (1959); *Commonwealth v. Clanton*, 395 Pa. 521, 151 A.2d 88 (1959); *Commonwealth ex rel. Norman v. Banmiller*, 395 Pa. 232, 149 A.2d 881 (1959); *Commonwealth ex rel. Bolish v. Banmiller*, 151 A.2d 480 (Pa. 1959). In two cases he has concurred with the majority in reversing convictions of murder and in one in vacating a sentence of death and directing the imposition of life imprisonment. *Commonwealth v. Edwards*, 394 Pa. 335, 147 A.2d 313 (1959) (defendant aged 14); *Commonwealth v. Davis*, 396 Pa. 158, 150 A.2d 863 (1959); *Commonwealth v. Green*, 151 A.2d 241 (Pa. 1959) (defendant aged 15). In only one case (involving a sex murderer who was found mentally defective but neither legally nor medically insane) has he dissented (without opinion) from the affirmation of a death sentence. *Commonwealth v. Graves*, 394 Pa. 429, 147 A.2d 416 (1959).

for Justice Bok, there is some crime so monstrous that human wrath—that is, a plain desire for vengeance—erupts through the thickest crust of civilization. Thus, if one questions opponents of capital punishment, he discovers that a surprising number of them are willing to make an exception in favor of the Nazi war criminals. The late Mr. Justice Murphy, though not in principle opposed to punishment, was ordinarily a most clement man, anxious to give to those convicted of crime the benefit of every doubt. In one case,<sup>25</sup> however, he dissented sharply because he thought the conviction and punishment ought to be upheld. The criminals were three Georgia police officers who had brutally murdered a Negro accused of a minor offense—a crime which was probably outrageous beyond all others to Mr. Justice Murphy. It is interesting to speculate on the kind of tract Justice Bok might have composed if he had taken the *Screws* case for his starting point.

Moreover, it is just possible that vengeance as a motive of punishment may not always be so indefensible as most modern writers assume it to be. The rejection of vengeance as a motive for punishment by human agency has, of course, a sound theological basis; “for it is written, Vengeance is mine; I will repay, saith the Lord.”<sup>26</sup> It can be argued that the citizens are happier if they believe that there is such a thing as abstract justice; it can also be argued that for most of them, for a long time to come at least, the concept of justice will include the notion that crimes which they regard as really reprehensible, or criminals whom they regard as really wicked, should not go unpunished—regardless of whether the punishment improves the criminal, or deters other potential criminals. So long as the citizen was convinced that the wicked man, though he seemed to be spreading himself like a green bay tree<sup>27</sup> and showed no sign whatsoever of a troubled conscience, would fry posthumously, that innate desire for justice—or vengeance—was satisfied. But, in the words of George Orwell, “the major problem of our time is the decay of the belief in personal immortality. . . .”<sup>28</sup> If that citizen begins to suspect that the malefactor may rest post-mortem quite as soundly as the rest of us, and maybe in a larger and more stylish mausoleum, it is perhaps pardonable for him to reconsider the merits of earthly vengeance—so long, of course, as the means of that vengeance do not diminish the citizens’ happiness by brutalizing them or making the criminal a more dangerous criminal than he was before. Possibly all this is sophistry, but I do not think the rights and wrongs of punishment are quite so simple as the reader of *Star Wormwood* might be led to suppose.

At any rate it is undoubtedly true that punishment of the ordinary criminal, who (as Justice Bok rightly observes)<sup>29</sup> is much more likely to be poor and ignorant than wicked in any meaningful sense of that word, can at best be a

25. *Screws v. United States*, 325 U.S. 91, 134 (1945).

26. *Romans* 12:19. St. Paul’s statement paraphrases Moses. *Deuteronomy* 32:35.

27. *Psalms* 37:35.

28. ORWELL, *Looking Back on the Spanish War*, in *ENGLAND YOUR ENGLAND AND OTHER ESSAYS* 151, 174 (1953); see HOLLIS, *A STUDY OF GEORGE ORWELL* 43 (1956).

29. P. 190.

disagreeable necessity to a decent man. Such a man tries at least to purge it of its connotation of vengeance, and he searches for alternative methods of preventing crime. Thus, Plato, who was not a lawyer,

was not content with deterring from theft a man who still continued to be a thief at heart, with restraining a son who hated his mother from beating his mother. The only obedience on which he set much value was the obedience which an enlightened understanding yields to reason, and which a virtuous disposition yields to precepts of virtue. He really seems to have believed that, by prefixing to every law an eloquent and pathetic exhortation, he should, to a great extent, render penal enactments superfluous.<sup>30</sup>

Justice Bok, being a lawyer and having the advantage over Plato of some twenty-three additional centuries of penological experience, presumably takes little stock in eloquent and pathetic exhortations, at least when addressed to the criminals themselves; his preferred alternative is the currently more fashionable and probably much more rational one of substituting therapeutic treatment for punishment of the criminal. But the facts that the infliction of punishment (except in hot anger) is unpleasant, and that punishment may not be the only way of dealing with all criminals, should not blind us to its possible value as a deterrent. In the absence of statistics more convincing than any which now exist, we cannot be sure how great that value is, or even whether it exists at all, but it seems intrinsically likely that fear of punishment exerts a ponderable restraining influence on at least one very important class of criminals, about whom Justice Bok has little or nothing to say<sup>31</sup>—those who commit crimes for money, as a business. The delegates to the recent Apalachin convention exemplify this class; so do securities swindlers. Such men are not usually mentally ill in any normal sense of that term; even their greed and egocentricity probably do not pass whatever limit is set by our society. They are characteristically quite rational, and if they believe that the risk of punishment for a particular crime outweighs its financial rewards, they commonly eschew that crime. It is, for example, widely believed among cops, journalists, and lawyers that such criminals are rather careful to avoid violations of federal law, because they believe the federal police to be more efficient, and federal prosecutors and courts less amenable to political influence, than those in some other jurisdictions. Securities swindling, though by no means extinct, is rarer, pettier and less blatant than it used to be; a large part of this improvement is almost certainly due to the development of a healthy fear of the Securities and Exchange Commission among those whose criminous

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30. MACAULAY, *Essay on Lord Bacon*, in BIOGRAPHICAL ESSAYS 118 (1886).

31. He lists five causes of crime: failure by the police and courts to solve more than one crime in five; liquor; bad home environment; "social weakness," such as poverty and mass media like motion pictures and television which portray crime and violence; and "special reasons," such as the need of money for food, rent and doctors. Pp. 187-88. None of these, except the first, seems an adequate explanation of the likes of Al Capone or Joey Fay. There seems to be room for at least a sixth major cause—simple desire to make a lot of money and be a big shot without having to engage in tedious work.

proclivities tend in that direction. Income tax evaders are another class on whom the fear of punishment probably has a powerful deterrent effect. The main trouble with punishment as a deterrent seems to be—as Justice Bok recognizes<sup>32</sup>—our defective system of law enforcement, which makes punishment most uncertain. Perhaps, before we heave punishment for deterrent purposes out of the penological pharmacopœia, we ought to give it a better try—not by making punishments more savage (indeed, there is good reason to believe that there would be more convictions for some offenses if the statutory penalty were more consonant with juries' views of the seriousness of the offense) but by trying to make them more certain, even if that entails spending more money on law enforcement.

Limits of space prevent further dilation on Justice Bok's major theme, punishment. But some of his collateral theses deserve comment. In particular, I have profound doubts about the proposition that the adversary trial is part of the obsolete system of vengeance and punishment and ought to be replaced by "impartial inquiry." Justice Bok appears to believe that if in the future burglars are sent to a correctional institution which is more like a college or vocational school than a jail,<sup>33</sup> a man accused of burglary will not mind very much if he is convicted; "the same energy he now exerts in trial he would exert, under a new system, in improving himself and shortening his period of detention."<sup>34</sup> Justice Bok is plainly a good man and a man of parts; I believe him to be far superior to the common herd of judges. Therefore, I write with pain my best critical judgment on this proposition, which is that it is pernicious tripe. If I am accused of rape or larceny or barratry, I care not that the state pen may have been transformed into the likeness of The Homestead at Hot Springs, with golf, tennis, and psychiatry; I am going to holler that I didn't do it, and so are most other men in such a situation. Moreover, I am going to want the benefit, such as it is, of the presumption of innocence, counsel of my own choice, the right to cross-examine and to call witnesses, the right to appeal, and all the rest of the paraphernalia of our familiar adversary trial, possibly even including a jury of my peers. I know of no lawyer who thinks of the adversary system as perfect, and I know of none who is sure he knows a better way to find the truth. I want to know a great deal more about Justice Bok's "impartial inquiry," especially who is to conduct it, before I start agitating for abolition of the adversary trial in criminal cases.

I view with suspicion almost as profound the idea that "the new form of sentence should include a short and flexible minimum, a long maximum, and an intermediate period, fixed by a diagnostic or parole board, of psychiatric, medical, and sociological procedures of an increasingly educative nature,"<sup>35</sup> though I know the concept is no novelty to the law. The plain and short

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32. Pp. 208, 217. He thinks that in this country less than one crime in five is punished. Pp. 191, 208.

33. P. 219.

34. P. 146.

35. P. 149.

meaning of this is that an offender may be locked up until a panel of psychiatrists and sociologists decide that they like his attitude. That is not very far from locking him up in the first place for having wrong attitudes; and if *that* concept is adopted into our penal system we are ready for totalitarian penology, complete with educative labor camps (the term concentration camp comes later) for social misfits—which, of course, is very far from Justice Bok's intent. "*Arbeit macht frei*," read the huge sign over the gate of Dachau.<sup>36</sup> Until I acquire a great deal more confidence than I now have in the infallibility of psychiatrists and social workers, I prefer to leave price tags on crimes—and to retain the rest of due process of law. Says Justice Bok, "We think highly of due process because we want to keep inviolate our right to take an eye for an eye: revenge protected by rules of fair play amounts to holy war."<sup>37</sup> Comment on that one is, I hope, superfluous.

Finally, Justice Bok supports his views on capital punishment with some purely theological arguments. In the first place, there are powerful arguments against (and for) capital punishment without need of recourse to revealed religion; in the second place I find Justice Bok's theological arguments theologically unconvincing. The Sixth Commandment, he informs us, "does not read: 'Thou shalt not kill except by due process of law.'"<sup>38</sup> True enough, but precisely that construction has been given it since its promulgation; moreover, it seems to have been the understanding of the Draughtsman.<sup>39</sup> For that matter, the literal wording of the Commandment does not exclude beef cattle, rats, mosquitoes or pneumococci. Perhaps anticipating some such objections, Justice Bok invokes the New Testament, citing the Pericope Adulterae, the story of the woman taken in adultery.<sup>40</sup> But the thrust of those supremely moving verses is surely not a mere denunciation of capital punishment as distinct from other penalties. I do not pretend to know what Jesus thought about capital punishment. But when Justice Bok tells me that one "will look far before he finds in the life of Jesus the authority to take a life for a life,"<sup>41</sup> I

36. U.S. OSS SECTION, SEVENTH ARMY, REPORT ON DACHAU 20 (1945). This was amplified, and the ghastly caricature of Justice Bok's "sociological procedures of an increasingly educative nature" pointed up, by a sign painted in large white letters on one of the buildings: "*Es gibt einen Weg zur Freiheit. Seine Meilensteine heissen: Gehorsam, Sauberkeit, Nüchternheit, Fleiss.*" (There is a road to freedom. Its milestones are called: Obedience, Cleanliness, Temperance, Industry.) See *id.* at 19.

37. P. 150.

38. P. 102. This statement actually appears in the closing speech of defense counsel, but it is fair to attribute to an author the sentiments he puts in the mouth of his Good Guy. He says practically the same thing *in propria persona*. P. 196.

39. See, e.g., *Genesis* 9:6; *Exodus* 21:12, 22:18, 31:14, 35:2; *Leviticus* 20:2, 21:9; cf. *1 Kings* 21:10.

40. *John* 8:3-11. Justice Bok's reference is at 196. Many modern scholars suspect the story to be a late addition to the Gospel. See MENCKEN, *TREATISE ON THE GODS* 185, 186 (2d ed. 1946); STREETER, *THE FOUR GOSPELS: A STUDY OF ORIGINS* 36, 89, 123-24 (rev. 1930).

41. P. 111.



find that I need look no farther than the very first of the Synoptic Gospels,<sup>42</sup> and to the oldest of them,<sup>43</sup> to find such authority for taking a life for an offense which seems to us less heinous than murder. And when he says to me that not merely the taking but the *giving* of life is "God's right alone,"<sup>44</sup> I begin to wonder whether he means to espouse the zany doctrine that the hellish works of modern medicine ought to be rejected by Christians as impudent interference with Providence. Probably not; I suspect that the reference to giving life is a mere rhetorical flourish, for not only is Justice Bok a Quaker (a sect which is, to the best of my knowledge, quite free of such ideas), but his obvious respect for the psychiatric branch of the medical profession makes it unlikely that he rejects the rest of it.

I suspect, indeed, that a fondness for lush, orotund and, if the truth must be told, somewhat flatulent preaching has led Justice Bok into more than one statement which he would be too sensible to put into an opinion delivered from the bench. I pass by such sentences as "Freud has set a great wind blowing in man's mind, and the dark flowers that grow there are swaying before it, needing to be gathered and understood";<sup>45</sup> at least it seems to mean *something*. But what are we to make of such passages as "Justice should be the little side chapel where the mysteries and the miracles of the stolid law take place"?<sup>46</sup> After weeks of meditation, interspersed with periodic rereadings of that sentence, in the hope that a night's sleep would bring sudden and blinding comprehension, I give up; for me, it is as devoid of meaning as the average extract from *Science and Health With Key to the Scriptures*. There are a great many similar sentences, paragraphs and pages. They are particularly depressing when they come from a man who can write the honest and excellent prose which, for example, is found in the description of a courtroom at pages 63 to 65, or the description of a state penitentiary and its death cells at pages 152 to 157.

There is also, as I have tried to indicate, a good deal of sense in *Star Worm-*

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42. Then came to Jesus scribes and Pharisees, which were of Jerusalem, saying,

2. Why do thy disciples transgress the tradition of the elders? for they wash not their hands when they eat bread.

3. But he answered and said unto them, Why do ye also transgress the commandment of God by your tradition?

4. For God commanded, saying, Honour thy father and mother: and, He that curseth father or mother, let him die the death.

5. But ye say, Whosoever shall say to *his* father or *his* mother, *It is a gift*, by whatsoever thou mightest be profited by me;

6. And honour not his father or his mother, *he shall be free*. Thus have ye made the commandment of God of none effect by your tradition.

*Matthew* 15:1-6.

43. *Mark* 7:1-13.

44. P. 111.

45. P. 58.

46. *Ibid.*

*wood*. It is certainly true, for example, that men of the first ability ought to be encouraged to practice criminal law and to serve as trial judges.<sup>47</sup> It is probably true that the concept of treating the criminal rather than punishing the crime will and should play an ever-larger role in our penology. There are many other sound and shrewd observations,<sup>48</sup> though it will take a discriminating reader to cull them out.

Having said all this, I conclude nonetheless that *Star Wormwood* is worth reading, if it is not gulped down uncritically. It has indeed (if the reader is not hypnotized into agreement by the mellifluous roll of Justice Bok's prose) one of the highest virtues possible to a book: it provokes thought.

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47. P. 151.

48. *E.g.*, pp. 138, 189, 194.

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